

MAILED

JUL 8 1996

Paper No. 33

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte HUGHES B. DE THE, AGNES MARCHIO,  
PIERRE TIOLLAIS, and ANNE DEJEAN

---

Appeal No. 94-1465  
Application No. 07/649,342<sup>1</sup>

---

ORDER REMANDING TO EXAMINER

---

On March 13, 1996, applicant filed a Statement of Relevant Authority (paper number 32). MPEP §1211.01 states:

While there is no obligation resting on the Board to consider new or amended claims submitted while it has jurisdiction of the appeal. [sic] In Re Sweet, 58 USPQ 327 (CCPA 1943), a proposed amendment, affidavit, declaration, or other paper may be remanded for such consideration as the examiner may see fit to give.

The application is thus being remanded to the examiner for such consideration of the Statement of Relevant Authority as the

---

<sup>1</sup> Application for patent filed February 1, 1991, which is said to be a continuation of 07/278,136, which is a continuation-in-part of 07/209,009, which is a continuation-in-part of 07/134,130, which is a continuation-in-part of 07/133,687, all of which are now abandoned.

Appeal No. 95-1465  
Application 07/649,342

examiner may see fit to give<sup>2</sup>.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration of the Statement of Relevant Authority, and for notification of appellant of the action taken by Examiner, and for such further action as may be appropriate.

The application, by virtue of its "special" status, requires immediate action. See Manual of Patent Examining Procedure, § 708.01(d). It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
AMALIA SANTIAGO  
Program and Resource Administrator  
(703) 308-9797

ckm

cc: FINNEGAN, HENDERSON, FARABOW,  
GARRETT, and DUNNER  
1300 I STREET, N.W.  
WASHINGTON, DC 20005-3315

---

<sup>2</sup> See 37 CFR 1.192(a), and MPEP section 1206 (page 1200-9), regarding citation of authorities.